



August 22, 2019

The Honorable Elijah E. Cummings
Chairman, Committee on Oversight and Reform
House of Representatives
Washington, DC 20515

The Honorable Gerald E. Connolly
Chairman, Subcommittee on Government Operations
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515

Dear Mr. Chairmen:

In light of the recent hearing on June 24, 2019, entitled "Document Production Status Update: OPM, FBI, and GSA," and your letter dated April 12, 2019, addressed to Administrator Emily W. Murphy containing 14 requests for documents regarding the U.S. General Services Administration's (GSA) ground lease of the Old Post Office Building ("Lease"), the Administrator asked me to provide the following status update.

On May 31, 2019, GSA produced approximately 6,500 pages of documents in response to the Committee's April 12, 2019, letter. Further, by letter dated June 25, 2019, GSA transmitted an additional 9,000 pages of documents to the Committee. GSA's efforts clearly demonstrate the agency's ongoing commitment to finding mutually acceptable ways to accommodate the Committee's needs for information necessary to accomplish its oversight responsibilities.

To date, GSA's productions have not included the following categories of information: (1) Confidential Information¹; (2) information submitted by Trump Old Post Office LLC ("Tenant") in response to the request for proposals for the redevelopment of the Old Post Office²; (3) legal advice memoranda³; and (4) drafts of the contracting officer's March 23, 2017, letter.⁴ Each of these categories is discussed in order below.

¹ Requests 1, 3, 11, and 14

² Request 13

³ Requests 7 and 8

⁴ Request 9

Confidential Information, as defined in the Lease, includes documents such as the monthly reports submitted by the Tenant describing revenues, expenses, and budgets. Confidential Information also includes "all documents referring or relating to Mazars USA LLP or WeiserMazars LLP related to the Old Post Office lease."⁵ The Lease prohibits disclosure of Confidential Information without the Tenant's consent unless certain conditions are met. As noted in the enclosed letter, the Tenant has objected to GSA's release of Confidential Information in connection with the document request from the Committee.

Regarding your request for documents submitted by the Tenant in response to the request for proposals for the redevelopment of the Old Post Office, each page of that submission is clearly marked as containing information that:

- is confidential and proprietary;
- may not be disclosed to any party not involved in the evaluation of proposals; and
- cannot otherwise be released without the prior written authorization of the Trump Organization.

As noted in the enclosed letter, the Tenant has objected to GSA's release of this information, which includes three separate documents entitled "Donald J. Trump, Statement of Financial Condition." The documents were prepared by WeiserMazars LLP for the periods ending June 30, 2008; June 30, 2009; and June 30, 2010. Each document purports to be a "statement of the financial condition of Donald J. Trump as of [end date], in accordance with the Statements on Standards for Accounting Review Services issued by the American Institute of Certified Public Accountants." Accordingly, even the most recent document in GSA's possession in this regard purports to represent Donald J. Trump's financial condition from nearly 10 years ago, a time when Mr. Trump was a private citizen and well before his candidacy for President.

Regarding Requests 13 and 14, GSA did not create, prepare, or certify the accuracy of any of the requested information. GSA was merely a recipient. Thus, this information may be more readily available from third parties, including the Tenant, who has specifically objected to its disclosure (see enclosed). In fact, GSA understands the Committee is presently seeking to obtain documents directly from Mazars USA LLP. If the Committee is successful in doing so, there would be no need to request the same documents from GSA.

As to the final categories of documents (Requests 7, 8, and 9), drafts of letters and communications with agency counsel are internal executive branch deliberations.

⁵ GSA is aware of the pending litigation concerning a subpoena issued by the Committee to Mazars USA LLP that is currently on appeal to the U.S. Court of Appeals for the District of Columbia Circuit.

Government officials and their advisers must have the ability to communicate frankly and candidly with their agency's counsel to promote sound decision-making. As noted by the U.S. Department of Justice's Office of Legal Counsel, "[t]he reasons for the constitutional privilege against the compelled disclosure of executive branch deliberations have special force when legal advice is involved."⁶

GSA remains committed to providing the Committee with information necessary for its oversight activities, and we will continue to work with you and your staffs toward that end. For example, GSA will be providing an additional production stemming from the Committee's March 6, 2019 letter on the Federal Bureau of Investigation's headquarters project shortly. At the same time, GSA hopes you will understand it must protect the legitimate and well-established interests of the executive branch. As we continue to work together, if the Committee determines that it needs information regarding the above-described material, it would be helpful for the Committee to describe those needs in detail to the agency. Upon receipt of that information, GSA would be pleased to swiftly evaluate the response and, if applicable, discuss potential accommodations of the Committee's needs.

GSA sincerely values its relationship with the Committee and thanks you for your continued support of its mission and workforce.

Sincerely,



Jeffrey A. Post
Associate Administrator

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

The Honorable Mark Meadows, Ranking Member
Subcommittee on Government Operations
House Committee on Oversight and Reform

⁶ Response to Congressional Requests for Information regarding Decisions made under the Independent Counsel Act, 10 U.S. Op. Off. Legal Counsel 68, 79 (Apr. 28, 1986).